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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,356	04/12/2000	Malcolm W. Lockhart	RCIP-001/01US	6116
26119	7590	12/23/2003	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			NORRIS, TREMAYNE M	
			ART UNIT	PAPER NUMBER
			2137	14
DATE MAILED: 12/23/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/548,356	LOCKHART ET AL.
	<b>Examiner</b> Tremayne M. Norris	<b>Art Unit</b> 2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 4/12/00.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-24 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 12 April 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7,8 . 6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 rejected under 35 U.S.C. 102(e) as being anticipated by Patel et al.

Regarding Claim 1, Patel et al teach a method for managing data rights comprising:

receiving a request for a permit to access a piece of protected content, said piece of protected content protected in accordance with a first data rights management architecture;

determining which one of a plurality of data rights management architectures corresponds to said first data rights management architecture;

generating a permit to access said piece of protected content based on said determined one of said plurality of data rights management architectures; and

providing said permit in response to said request whereby said permit grants access to said piece of protected content (col.4 line 56 thru col.5 line 46; col.7 lines 11-15; col.9 lines 40-54; col.11 lines 23-31).

Regarding Claim 2, Patel et al teach the method of claim 1, further comprising processing a permit acquisition term associated with said piece of protected content prior to providing said permit (col.5 lines 15-19; col.5 lines 33-62).

Regarding Claim 3, Patel et al teach the method of claim 2, wherein said processing a permit acquisition term comprises retrieving said permit acquisition term based on said request (col.5 lines 15-18).

Regarding Claim 4, Patel et al teach the method of claim 2, wherein said processing a permit acquisition term comprises presenting a consumer with a query corresponding to said permit acquisition term (col.5 lines 35-39).

Regarding Claim 5, Patel et al teach the method of claim 4, wherein said processing a permit acquisition term comprises receiving a response to said query from said consumer (col.5 lines 35-39; col.12 line 14 thru col.13 line 25).

Regarding Claim 6, Patel et al teach the method of claim 2, wherein said processing a permit acquisition term comprises receiving payment information associated with a consumer (col.3 lines 6-9; col.5 lines 35-39).

Regarding Claim 7, Patel et al teach the method of claim 2, wherein said processing a permit acquisition term comprises receiving demographic information from a consumer (col.3 lines 6-9; col.5 lines 35-39).

Regarding Claim 8, Patel et al teach the method of claim 1, wherein said providing said permit comprises providing said permit to a consumer (col.5 lines 20-25).

Regarding Claim 9, Patel et al teach the method of claim 1, wherein said providing said permit comprises: providing said permit to a sponsor; and providing said permit from said sponsor to a consumer (Fig.1; col.2 lines 24-30).

Regarding Claim 10, Patel et al teach the method of claim 8, wherein said providing said permit to said consumer comprises allowing said consumer to retrieve said permit (col.5 lines 20-25; col.7 lines 36-37).

Regarding Claim 11, Patel et al teach the method of claim 1, wherein said determining which one of a plurality of data rights management architectures corresponds to said first data rights management architectures comprises accessing a look-up table (col.9 lines 10-25).

Regarding Claim 12, Patel et al teach the method of claim 1, wherein said determining which one of a plurality of data rights management architectures

corresponds to said first data rights management architectures comprises using information available in said request regarding said first data rights management architectures (col.7 lines 10-15; col.9 lines 40-54; col.11 lines 15-67; col.12 lines 4-10).

Regarding Claim 13, Patel et al teach the method of claim 12, wherein said determining which one of a plurality of data rights management architectures corresponds to said first data rights management architecture comprises retrieving a permit class associated with said piece of protected content (col.2 lines 57-64).

Regarding Claim 14, Patel et al teach the method of claim 13, wherein said retrieving a permit class comprises retrieving said permit class from said request (col.2 lines 57-64; col.5 lines 15-18; col.5 lines 35-39).

Regarding Claim 15, Patel et al teach the method of claim 13, wherein said retrieving a permit class comprises retrieving said permit class from a database (col.7 lines 17-20; col.8 line 59 thru col.9 line 25; col.10 lines 29-33).

Regarding Claim 16, Patel et al teach an agnostic data rights management clearing house comprising: an order management system that receives a request to provide access rights to protected content; said protected content packaged in accordance with a first data rights management architecture;

a permit system interfaced to said order management system that determines which one of plurality of data rights management architectures corresponds to said first data rights management architecture, that generates a permit based on said determined one of said plurality of data rights management architectures, and that provides said permit in response to said request to provide access rights to protected content (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

Regarding Claim 17, Patel et al teach A permit system comprising: means for determining which one of a plurality of data rights management architectures corresponds to a particular permit request; means for generating a permit based on said determined one of a plurality of data rights management architectures; and means for providing said permit in response to said request (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

Regarding Claim 18, Patel et al teach a method for managing data rights comprising the steps of: receiving a request from a sponsor to access protected content, said protected content packaged in accordance with a first data rights management architecture; determining which one of a plurality of data rights management architectures corresponds to said first data rights management architecture; generating a permit to access said protected content based on said

determined one of said plurality of data rights management architectures (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

Regarding Claim 19, Patel et al teach the method of claim 18, further comprising the step of providing said permit to a consumer in response to said request (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

Regarding Claim 20, Patel et al teach the method of claim 18, further comprising the step of providing said permit to said sponsor (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

Regarding Claim 21, Patel et al teach a method for managing data rights comprising the steps of: determining which one of a plurality of permit classes was used to protect a piece of protected content; and generating a request for a permit to access the piece of protected content, said request specifying said one of a plurality of permit classes (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

Regarding Claim 22, Patel et al teach a method protecting content comprising: receiving a request from a packager for a first permit class to protect a piece of content, said first permit class associated with a first data rights management architecture; generating said first permit class; and transmitting said first permit class to said packager (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

Regarding Claim 23, Patel et al teach the method of claim 22, further comprising: receiving a request from a packager for a providing a second permit class to protect a piece of content, said second permit class associated with a second data rights management architecture (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

Regarding Claim 24, Patel et al teach a method for generating permit classes comprising: receiving a request from a sponsor for a first permit class, said first permit class associated with a first data rights management architecture; transmitting said first permit class to said sponsor; receiving a request for a second permit class, said second permit class associated with a second data rights management architecture; and transmitting said second permit class to said sponsor (col.4 line 56 thru col.5 line 46; col.7 lines 10-15; col.8 line 59 thru col.9 line 25; col.9 lines 40-54; col.11 line 15 thru col.13 line 25).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (703) 305-8045. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 305-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Tremayne Norris

December 10, 2003

*Matthew B. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2134*